## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BARRY NAKELL,	)	
Plaintiff,	)	
v.	) )	1:04CV00820 1:04CV01079
LINER YANKELEVITZ SUNSHINE & REGENSTREIF, LLP,	) )	
Defendant.	)	
	ORDER	

BEATY, Chief Judge.

For the reasons discussed in the Memorandum Opinion filed contemporaneously herewith, IT IS ORDERED that Liner Yankelevitz Sunshine & Regenstreif's Motions for Summary Judgment [Document #42 in 1:04CV00820 and Document #51 in 1:04CV01079] are hereby DENIED, and Barry Nakell's Motions for Summary Judgment [Document #41 in 1:04CV00820 and Document #30 in 1:04CV01079] are GRANTED.

IT IS FURTHER ORDERED that the parties shall file supplemental proposed jury instructions by January 4, 2007 limited to the claims remaining as a result of this ruling. In addition, IT IS FURTHER ORDERED that the parties shall submit briefs by January 4, 2007 calculating the amount Nakell is owed under the Agreements as a result of this ruling.

This, the 29 day of December, 2006.

United States District Judge